



# The UKCP Complaints and Conduct Process

Being a Witness

## Contents

Why is being a witness important?	2
Giving evidence	2
Can I refuse to attend?	2
Can I remain anonymous?	2
What support is available to me?	3
Can I bring someone for support?	3
What should I include in my statement?	3
Can I use my own Legal Representative?	3
How should I prepare for the day?	3
What should I expect on the day?	4
Will I be cross-examined by a lawyer?	4
How should I behave?	4
Other than me, who will be there?	4
What happens if the hearing is postponed?	5
Will I be informed of the outcome?	5
Equality and diversity statement	5

## Why is being a witness important?

We have a responsibility to ensure that the therapists on our register are fit to practise. Dealing with concerns and complaints is a core element of our service to the public. Witnesses who give evidence at complaints hearings help us carry out our regulatory role.

We want to ensure that everyone is treated fairly and justly. This is only possible if witnesses with valuable evidence come forward.

## Giving evidence

When we investigate a complaint, we may contact you to ask questions about relevant events. We may ask you to make a written statement. If we do, it is likely that we will ask you to attend a hearing to answer questions about your statement.

## Can I refuse to attend?

The idea of giving evidence may feel intimidating or uncomfortable. However, it is important that the Panel understands all of the circumstances surrounding the events mentioned in the complaint so that it can reach a fair and just decision.

If you are concerned about attending the hearing please get in touch with one of our Case Managers who will be able to talk it through with you.

## Can I remain anonymous?

In exceptional circumstances, such as where the complaint is particularly sensitive (allegations of bullying or those of a sexual nature, for instance) the Chair of the Panel may grant permission for evidence to be given anonymously. However, it is usual for the witness's name to be included with their statement and for them to be expected to give evidence in person. This follows the principle of a fair hearing, allowing someone to see all the evidence, and to challenge it if they wish.

## What support is available to me?

We understand that there are factors that may affect how you give evidence. For example, you may have a physical or learning disability, or an illness. You may have a mental health condition or experience difficulty in social situations. It may also be difficult for you to give evidence if you are the victim of a complaint about sexual matters, or if you feel intimidated because of your age, gender, race, cultural background or sexuality.

If you are worried about giving evidence at the hearing for any reason, or if you need more help or advice, please get in touch with one of our Case Managers. They will discuss the situation with you and see if there is any way that we can help you to give your evidence with minimal discomfort.

## Can I bring someone for support?

You can bring one or more people with you to the hearing for support. They will be asked to sit at the back of the room and will not be able to speak with you during the hearing, nor will they be able to speak on your behalf or play an active role in the hearing unless we are also calling them as a witness.

The Panel may decide to disallow observers, depending on the nature of the allegations. This decision is usually made on the day.

## What should I include in my statement?

The purpose of your statement is to explain to the Panel what you observed or know as fact. It is important that your witness statement is truthful, accurate, and complete.

Try to avoid making judgements or giving your opinion on the actions of others.

You should write your statement in language that is easy to understand, clearly describes the facts, and avoid using jargon or technical terms that are not widely understood.

You should expect that you may be asked questions on the day about anything that you write in your statement.

## Can I use my own Legal Representative?

We instruct a Presenting Officer to present the case against the therapist. The therapist will usually have their own legal representative.

You are entitled to instruct your own legal representative at your cost to attend the hearing with you. However, they will not be able to speak on your behalf and will simply assume the role of a supporter.

If you plan on instructing a Legal Representative please let one of our Case Managers know as early as possible.

## How should I prepare for the day?

If we have asked you to give evidence as a witness, we will contact you to find out when you would be available to attend the hearing. Where possible we will try to make sure that the hearing is on a date that is convenient for you. We will let you know as soon as the hearing date has been set and provide you with travel information.

You should ensure that you are familiar with the contents of your statement and be prepared to answer questions about anything that you have said. You will have a copy of your statement to double check on the day.

## What should I expect on the day?

Generally, hearings are formal but calm.

The Chair of the Panel will introduce everyone in the room and explain how the hearing will progress. UKCP's Presenting Officer will read out the allegations against the therapist and will present supporting evidence.

If you are giving evidence against the therapist, it is likely that you will then be called to do so. The Presenting Officer will ask you questions about your evidence. The therapist's legal representative and members of the Panel will then be given the chance to ask you questions.

After this, the therapist's legal representative will present their case and call any witnesses they have. If you are giving evidence in support of the therapist, you may be called on to answer questions at this point, and you may be questioned by the Presenting Officer. The Panel will then withdraw to deliberate and return to give their judgement.

Once you have given your evidence you are free to leave at any time.

## Will I be cross-examined by a lawyer?

In order to ensure that the Panel fully understands all the evidence before it, it is important that both sides are allowed to ask the witnesses questions.

It is likely that the therapist's legal representative, the Presenting Officer and/or members of the Panel will want to ask you some questions about the statement you have provided.

The amount of time you will be questioned will depend on how complicated the case is and the nature of the evidence you have

provided. These questions can sometimes be difficult. If you need a break at any time, the Chair will allow you to take some time out from the hearing.

## How should I behave?

Being calm and co-operative with all parties is the best way to ensure that the case is heard in a fair manner. Your role is simply to answer questions truthfully, not argue the case or debate evidence given by others. It is important that when you are giving evidence you speak clearly and slowly so that everyone can hear you and that you answer the question that you have been asked. Try to avoid getting frustrated or angry. Be sure to ask for clarification if there is anything that you do not understand.

## Other than me, who will be there?

**UKCP Case Manager:** The Case Manager ensures that the day runs smoothly. They are there to answer any questions you may have and to assist the Panel with the administrative side of the hearing. They will not play an active role in proceedings.

**Presenting Officer:** The Presenting Officer presents the case against the therapist on behalf of UKCP. They may call you as a witness to give evidence about your statement.

**Legal Assessor:** The Legal Assessor sits with the Panel. Their job is to help the Panel with any procedural questions and to ensure that the hearing is held in line with current UK law. They do not have any say in the Panel's deliberation and cannot play an active role in the hearing.

**Panel Members:** There are two professional Panel Members. Both are psychotherapists chosen at random from a pool of volunteers, with one of them practising the same kind

of psychotherapy as the therapist who is the subject of the complaint. We take care to ensure that the professional Panel Members have not been involved in any way with the complaint or the participants before the hearing.

**Lay Chair:** The Chair of the Panel is a lay person, which means that they do not practice psychotherapy. The Chair is chosen at random from a pool of volunteers, and their job is to guide the hearing and ensure that the case is heard fairly and in line with UKCP procedures. The Lay Chair and the Panel Members are responsible for deciding the outcome of the hearing.

**Respondent:** The respondent is the therapist who is the subject of the complaint. They may be accompanied by a legal representative and a friend for support.

**Witnesses:** Sometimes it is necessary for a witness to make a verbal statement to support the case of either the complainant or the respondent. Witnesses are not allowed to play a role in the hearing unless they are called to provide a testimony.

**Members of the public:** Our hearings are usually open. This means that members of the public with an interest in the case can attend. They sit at the back of the room and are not allowed to speak during the hearing. If the case is of a particularly sensitive nature the Chair may decide that the hearing needs to be closed to the public, and only those involved with the case may attend.

## What happens if the hearing is postponed?

We always try to ensure the hearings run to schedule however sometimes delays or extensions cannot be avoided. When this happens, we try to organise a new hearing on the earliest possible date that is convenient for everyone involved.

## Will I be informed of the outcome?

The Panel will ask everyone except the Legal Adviser to leave the hearing room when they are ready to begin the process of making a decision. The Panel withdraws to deliberate and returns to the hearing room to read out their decision. You are encouraged to stay at the hearing for this but if you cannot do so, we will send you a letter within 14 days of the hearing to confirm the outcome.

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## Equality and diversity statement

UKCP is committed to promoting equality, inclusion and diversity, and works to ensure that its processes are fair, transparent, objective and free from discrimination. UKCP expects that everyone who is acting for UKCP uphold these values.

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UK Council for Psychotherapy, 2 America Square, London EC3N 2LU

[www.ukcp.org.uk](http://www.ukcp.org.uk) [info@ukcp.org.uk](mailto:info@ukcp.org.uk) [complaints@ukcp.org.uk](mailto:complaints@ukcp.org.uk) [020 7014 9955](tel:02070149955)